DOCID: 4165261

~~TOP SECRET//COMINT//NOFORN~~
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

2 June 2008

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2008 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

George Ellard

GEORGE ELLARD
Inspector General

[redacted] (b)(3)-P.L. 86-36

for VITO T. POTENZA
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

This document may be declassified and marked "UNCLASSIFIED/~~For Official Use Only~~" upon removal of enclosure(s)

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20320108

Approved for Release by NSA on 12-22-2014, FOIA Case # 70809 (Litigation)

1. (U//~~FOUO~~) Intelligence, counterintelligence, and intelligence-related activities that violate law, regulation, or policy substantiated during the quarter, as well as actions taken as a result of the violations.

(U) **Intelligence Activities** (b)(1) (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL TO USA, AUS, CAN, GBR, NZL)~~ **Unintentional collection against United States persons.** [redacted] instances in which Signals Intelligence (SIGINT) analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking were reported this quarter. [redacted] all collection has been terminated. All intercepts and reports have been deleted or destroyed as required by United States SIGINT Directive (USSID) SP0018.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. ~~86-36~~

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] 24(i)
[redacted] No reports were issued on the intercept.

~~(S//SI//REL)~~ There were [redacted] instances of unintentional collection resulting from poorly constructed database queries. All results were deleted from [redacted]

~~(S//SI//REL)~~ On [redacted] occasions, targets initially thought to be legitimate and foreign were found to hold U.S. citizenship or permanent resident status. In one instance, [redacted] intercepts were retained and reported as authorized by USSID SP0018 because the calls contained information related to criminal activity. The remaining collection was deleted from the database for audio, [redacted] and pre-release transcripts.

~~(TS//SI//NF)~~ On [redacted] the NSA [redacted] learned that a foreign target held dual U.S. and [redacted] citizenship. The target's selectors were immediately detasked. A retroactive and future dissemination waiver was granted by the Attorney General on [redacted].

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20320108

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//REL)~~ On occasions, targets the United States. Another legitimate foreign target was found to have an address in the United States. In all instances the collection was terminated.

~~(TS//SI//REL)~~ an NSA analyst learned that a targeted foreign e-mail account the United States on Detasking was not accomplished until This -day delay was the result of human error. The analyst did not There was no collection between

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~

(b)(1)
(b)(3)-P.L

~~(TS//SI//REL TO USA, FVEY)~~ Not all of the selectors attributed to a target when NSA analysts learned of the the United States. in the United States was identified on Selectors were removed from collection systems on

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI)~~ On occasions, targeted telephone In instances, the numbers were removed from tasking and the intercept was deleted.

~~(S//SI//REL TO USA, FVEY)~~ were inadvertently targeted during Unknown to the system testers, the selectors were owned by a U.S. and should have been removed prior to the query. The analysts removed the from the query and checked the remaining selectors to avoid future testing mistakes.

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//REL TO USA, FVEY)~~ A software problem resulted in collection on a since The software was turned off when the violation was recognized. It was returned to service after the problem was diagnosed, corrected, and tested. All related collection was purged from the database and related analysis tool.

~~(TS//SI//NF)~~ prior to approved consensual collection, an NSA analyst queried on a U.S. telephone number retroactively The analyst did not understand he could not search for data prior to the consensual collection authorization date. The query and results were deleted the same day.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ while researching an NSA analyst uncovered the name, address of a U. S. person. Two and a half hours later, when the analyst learned of the unintentional collection, he deleted all data related to the U. S. person. The analyst terminated cancelled the database queries, and discontinued analysis.

~~(S//SI)~~ (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//NF)~~ **The Protect America Act of 2007 (PAA).** There were PAA incidents this quarter. In of the incidents, to legitimate foreign targets, whose foreignness was confirmed at tasking, in the United States. (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ Human error led to the pursuit of a target while he was in the United States between Although the target selectors intercepts were deleted from the database and data management system when the violation was identified No reporting resulted from the collection.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ Collection continued during a target's visit to the United States because of a file problem. Although the selector intercepts collected on were purged from the database when they were identified A temporary solution of system checks has been implemented while the permanent resolution is addressed.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ On a translation mistake resulted in collection on a target while he was in the United States. The violation was recognized The resulting intercepts were deleted from the database and the voice management system The selector was also removed on the same day.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798

~~(TS//SI//REL TO USA, FVEY)~~ On two occasions NSA analysts tasked e-mail selectors that had been incorrectly typed. Tasked the selectors were invalid and no collection resulted. The selectors were removed when the mistakes were recognized respectively. Also an NSA analyst learned that he had tasked a target's old e-mail address There was no collection on that selector, and it was removed from tasking

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//NF)~~ Last quarter we reported one instance in which a valid target was wrongly tasked from Further analysis of the incident revealed that the target's

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

location outside the United States was verified according to approved procedures at the time of tasking, and there was no change in the target's location until [redacted] the United States. [redacted] We also reported all [redacted] incidents from last quarter as "violations," an incorrect term, since no violation of the terms of the PAA or of the procedures designed to determine the target is reasonably believed to be located outside the United States took place.

(b)(1)
(b)(3)-P.L. 86-36

(U//~~FOUO~~) **Foreign Intelligence Surveillance Court (FISC)-authorized collection.**

(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ Two procedural problems occurred [redacted] forwarded Foreign Intelligence Surveillance Act (FISA) data to unauthorized NSA [redacted] In both instances the [redacted] analysts immediately deleted the data and educated the [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ There were [redacted] incidents in which the targeting of legitimate foreign telephone numbers [redacted] resulted in collection of calls with the targeted end in the United States. Many were instances [redacted] In all instances, the calls were deleted immediately upon recognition in accordance with USSID SP0018 guidelines, and no reports were issued. Additionally, between [redacted] there were [redacted] incidents in which the targeting of foreign telephone numbers overseas resulted in collection of calls that originated from [redacted] When the call origination location was identified on those days, the intercept was deleted from the database. No reports were issued.

(b)(1)
(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ NSA incurred violations on [redacted] FISC-authorized targets this quarter. All collection has been terminated, and all intercepts have been deleted or destroyed as required by USSID SP0018.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ [redacted] an NSA analyst retained an inadvertently acquired communication of a U.S. [redacted] while targeting a FISC-authorized telephone number. The U.S. person had been called from the targeted number [redacted] The transcript and associated voice intercept were deleted from the database and the data management system [redacted] when the violation was recognized.

~~(TS//SI//NF)~~ On [redacted] an NSA team leader discovered that a target [redacted] in the United States [redacted] The query with its [redacted] estimated results was deleted the same day.

~~(S//SI)~~ NSA retained [redacted] data longer than the retention period authorized by the FISC. Unaware that the retention period was a condition of the docket versus a technical limitation of the [redacted]

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

[redacted] The data was sequestered and the court was notified. The FISC revised the orders [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//SI//REL)~~ **Unintentional dissemination of U.S. identities.** During this quarter, [redacted] SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. In all instances, the reports were either not reissued or were reissued with proper minimization.

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//NOFORN)~~ [redacted] an NSA/Central Security Service (CSS) field site learned from [redacted] was instructed to destroy the files. Destruction was confirmed [redacted]

(U) **Counterintelligence Activities.**

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(U) Nothing to report.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U) **Intelligence-related Activities.**

~~(S//SI//NF)~~ Practicing due diligence, NSA has improved internal controls to reduce the risk of unauthorized collection. As a preventative measure, [redacted]

2. (U//~~FOUO~~) NSA OIG Intelligence Oversight Inspections, Investigations, and Special Studies.

(U//~~FOUO~~) During this quarter, the Office of Inspector General reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the problems uncovered were routine and showed that operating elements understand the restrictions on NSA/CSS activities.

(U//~~FOUO~~)) **NSA/CSS Hawaii.** Although progress has been made in intelligence oversight training, the program still requires work. Some of the intelligence oversight training and testing materials contained inaccurate information. Annual refresher training was at 69.5 percent. The database to track training for those with access to raw SIGINT databases and their auditors was not accurate. The NSA/CSS Inspector General will update in a future report actions taken by NSA/CSS Hawaii to correct the inspection findings. A highlight of the inspection was the [redacted] database and Standard Operating Procedure developed by [redacted] section. The procedure has reduced the detasking time from [redacted] and has helped to prevent collection violations.

(b)(1)
(b)(3)-P.L. 86-36

3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.

(U) Nothing to report.

4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.

(U) Nothing to report.

5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.

(U) Nothing to report.